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REPORT
101-306

ZUNI CLAIMS SETTLEMENT ACT OF 1990

JUNE 6 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. INOUYE, from the Select Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 2203]

The Select Committee on Indian Affairs, to which was referred the bill (S. 2203) to settle certain claims of the Zuni Indian Tribe, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

AMENDMENTS

1. On page 4, line 1, strike through "SEC. 3."
2. At the end of the bill, add the following new sections:

ADDITIONAL LANDS

SEC. 7. The first section of the Act entitled "An Act to convey certain lands to the Zuni Indian Tribe for religious purposes", approved August 28, 1984 (98 Stat. 1533), is amended by adding at the end thereof the following:

"Also, all of sections 13 and 23, township 14 north, range 26 east, Gila and Salt River meridian, such lands to be acquired and held in accordance with sections 2 and 3 of this Act.".

RECOGNITION OF TITLE

SEC. 8. Title to lands of the Zuni Indian Tribe described in Finding No. 88 in the Decision of the United States Claims Court filed May 27, 1987 in Docket No. 161-79L is hereby recognized for the permanent use and occupation of the Zuni Indian Tribe effective July 4, 1848, for the limited

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purpose of providing just compensation to the Zuni Indian Tribe under the fifth amendment to the United States Constitution for the taking of said lands by acts or omissions of the United States.

PURPOSE

The Zuni Pueblo has a consolidated lawsuit pending against the United States for damages resulting from the failure of the United States to protect the Pueblo's resources. The case, which is referred to as dockets 327-81L and 224-84L, has been in litigation for nearly 10 years. This bill provides for legislative settlement of the claims to avoid further lengthy and costly litigation.

The measure will establish a Zuni Indian Resource Development Trust Fund of $25 million that would be used primarily to implement a resource recovery plan for the reservation lands of the Zuni Pueblo. That plan would include a program to rehabilitate the watershed, a computerized system for managing and monitoring resources, a methodology for sustained development of renewable resources, and identification and acquisition of lands necessary to sustain resource development on Zuni Indian lands. Payment of money into the Fund would then satisfy all claims of the Zuni Tribe in this case.

BACKGROUND

The Zuni Pueblo consists of 408,000 acres of land and is located in Western New Mexico. In 1978, Congress authorized suit by the Zuni Pueblo against the United States to recover damages sustained by the reservation because of negligence and mismanagement on the part of the United States. Destructive logging practices on lands adjoining the reservation and then livestock overgrazing on those deforested lands were allowed by the United States. These practices have resulted in serious erosion and degraded the tribe's agriculture base.

In the mid-1800s, the Zuni people were cultivating between 10,000 to 12,000 acres of land using traditional farming methods. There are now about only 1,370 acres in cultivation, a loss of 90 percent of the productive land. The Zunis lawsuit argues that this reduction began with logging for the railroad in the 1880s when millions of board feet of timber were cut in a manner that left the land completely denuded. Following the logging, overgrazing was permitted without objection by the trustee for the Zuni, the Bureau of Indian Affairs, and the Zuni lands downstream from this area were severely damaged by runoff. Evidence shows that government officials also authorized a series of dams and reservoirs on the reservation in an attempt to change the Zuni's farming system from traditional methods to a "modern" irrigation system. This construction was equally destructive in that severe channel incisions downstream wre caused by "sediment starvation". This, as well as sedimentation of the reservoirs, has also caused a great deal of damage.

Additional claims, amounting to more than half of the alleged damages, involve the loss of water and minerals. The Tribe alleges that water was diverted from tribally irrigated acreage to up-

stream third parties with the knowledge and consent of the trustee. Coal, timber, and salt were removed from Zuni trust lands for government use, as well as for the use of third parties, without compensation to the tribe. This problem was further exacerbated by the fact that the Zuni Tribe was required to pay for the use of its own resources.

The Zuni Tribe's lawsuit for damages and lost income, authorized by the 1978 Act, was brought against the United States in 1981. A second suit was filed in 1984 and the two were consolidated. The suit is still in the briefing stage with more discovery motions expected before the case can be heard on its merits. There is no estimate at this time as to when the case will be fully litigated. In the meantime, the erosion continues and the Tribe has no money to begin to correct the damage and to manage its scarce resources to begin to bring agricultural productivity up to its previous state or to engage in other natural resource development. The Tribe, therefore, approached Senators Domenici and Bingaman to ask their assistance in negotiating a settlement with the Justice Department. Apparently, such a negotiation was not feasible and it was decided that a legislative settlement would be the best approach. Experts estimate the damages exceed $48 million. The bill would provide a development fund of $25 million in full settlement of the claim and the Tribe believes that amount would be sufficient to meet its needs.

LEGISLATIVE HISTORY

Senator Domenici introduced S. 2203 on February 28, 1990. The bill, cosponsored by Senators Bingaman, McCain and Inouye, was referred to the Select Committee on Indian Affairs which held a hearing on the measure on May 4, 1990.

Representative Richardson introduced a companion bill in the House, H.R. 4143, on February 28, 1990. He had introduced a similar bill, H.R. 4750, in the 100th Congress. The House Committee on Interior and Insular Affairs held a hearing on the measure on July 28, 1988, but took no further action.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Select Committee on Indian Affairs, in open business session on May 14, 1990, by unanimous vote, recommends that the Senate pass S. 2203, with amendments.

EXPLANATION OF AMENDMENTS

The first amendment on page 4 of the bill is technical in nature.

The second amendment adds two new sections to the bill which incorporate two amendments requested by the Zuni Pueblo.

The new section 7 of the bill amends a previous Act of Congress that returned some sacred lands to the Zuni Pueblo. This Act authorized the Secretary of the Interior and the Tribe to acquire additional lands in the area known as "Zuni Heaven". The amendment would identify by specific tract those additional lands available for acquisition and would authorize such acquisition for inclusion in the Act.

The Zuni Tribe plans to use funds allocated to existing obligations under Section 4(c) to purchase Zuni Heaven lands authorized by the Act of August 28, 1984 (98 Stat. 1533). The Tribe will expend approximately $1.2 million to purchase the lands belonging to Spencer D. Ellsworth and the Clara Barth Unitrust.

The new section 8 of the bill relates to another case pending in the Claims Court that involves the taking of Zuni lands. The need for the amendment arises because of recently discovered evidence of fraud on the part of Federal employees that directly relate to the status of the title of the lands. The merits of that case have been decided and the court found that the tribe is entitled to compensation for the taking by the United States of about 15 million acres of aboriginal lands of the Zuni people. On May 27, 1987, the court found that Spain recognized Zuni title and that the subsequent sovereign, Mexico, also recognized Zuni title. It is the title which forms the basis of the borders used to establish the tribe's aboriginal land base for the claim. The Court held that under the Treaty of Guadalupe Hidalgo, the Zuni were entitled to the same rights of protection as they had with Spain and Mexico.

The court found that Congress established the office of Surveyor-General in the Territory of New Mexico, and charged him with the duty to investigate Pueblo titles to land and report to Congress. The Surveyor-General failed to fulfill the congressional mandate with respect to Zuni. The court found that, as a result, "Zuni title to lands within the claim area was not protected by Congress as it should have been had the government fulfilled its obligations to the Zunis."

In a subsequent opinion dated April 19, 1989, the court held that without corrective action by the Congress, the Zunis would not be entitled to just compensation under the Fifth Amendment. Thus, the Tribe testified that it was uniquely deprived of its title and further that the deprivation was a direct result of fraud on the part of Federal employees. In 1885, the Congress conducted a full investigation of the fraud by the Surveyor General of the Territory of New Mexico and others and found that he had certified false land grants and that, while he was supposed to determine the nature and extent of Zuni land, he never did so. Even after the investigation, the problem was never corrected.

The Tribe testified that because of the well-documented fraud, the Congress was deprived of the opportunity to recognize title to Zuni lands. It requested this amendment to direct the Claims Court to treat the taking of the Zuni lands as the taking of lands over which title was recognized. Thus, the taking will fall within the Fifth Amendment of the Constitution for just compensation so that interest would be paid on the taking. This will require no direct budget outlay since cases decided by the Claims Court are certified to Congress and payment is made out of funds set aside for the payment of claims awards. There is precedent for Congress retroactively recognizing title for Fifth Amendment taking purposes: the Sioux Black Hills, the Blackfeet and Gros Ventre land taking, and the land claims of the Three Affiliated Tribes of the Fort Berthold Reservation.

SECTION-BY-SECTION ANALYSIS OF S. 2203 AS AMENDED

Section 1. Title: "Zuni Claims Settlement Act of 1990".

Section 2. Findings:

(1) cites the Federal policy of Indian self-determination;

(2) finds damages to Zuni trust lands;

(3) finds damages are the result of acts or omissions of U.S.;

(4) action is needed to prevent further degradation;

(5) cites civil action against U.S. by tribe;

(6) finds that further litigation will cause unnecessary stress in relationship between Zuni Pueblo and U.S.;

(7) finds that legislative settlement is appropriate.

Section 3. (a) Authorizes Secretary of the Interior and Zuni Peublo to jointly develop a resource development plan for the Reservation that will include a plan for sustained development of renewable resources, watershed rehabilitation, a data system for resource management and monitoring, a professional training program for Zuni Indians in resource management, a cooperative technical assistance program, and identification and acquisition of lands necessary to sustain Zuni resource development.

(b) Provides for the implementation of the Plan in a manner that will protect Zuni resources and promote sustained yield.

Section 4. (a) Establishes a Zuni Indian Resource Development Trust Fund in the U.S. Treasury.

(b) Provides that Secretary, as Trustee, shall invest the funds and manage the Fund without charge.

(c) (1) and (2) Provide that up to $8 million of the corpus of the funds shall be used for payment of current loans and debts relating to the area known as "Zuni Heaven"; use of $600,000 per year for 2 years to formulate the Zuni resource development plan; payments of attorney fees; and payments of outstanding debts of Tribe;

(3) Provides that interest income from the remaining trust fund corpus shall be used to implement the Zuni resource development plan; and

(4) Prohibits use of funds or interest for per capita payments.

Section 5. (a) Provides for extinguishment of all claims in docket numbers 327-81L and 224-84L are extinguished, upon payment of authorized funds.

(b) Stipulates that settlement is made without a finding of liability on the part of the U.S. with respect to those claims.

(c) Provides for continuing trust responsibility on part of the U.S. for the Zuni Indian Reservation.

(d) Makes clear that this settlement does not affect and may not be used to offset any award in another Zuni case, docket 161-79L which is now pending in the U.S. Claims Court.

Section 6. Authorizes $25 million for the Zuni Indian Resource Development Trust Fund.

Section 7. Amends the Act of August 28, 1984 (Public Law 98-408; 98 Stat. 1533) to include sections 13 and 23, township 14 north, range 26 east, Gila and Salt River meridian in the description of Section 1 of said Act.

Section 8. Recognizes title to lands of the Zuni Indian Tribe described in Finding No. 88 in the Decision of the United States Claims Court filed May 27, 1987 in Docket No. 161-79L effective

July 4, 1848 for the limited purpose of providing just compensation to the Tribe under the Fifth Amendment to the United States Constitution.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate of S. 2203, as amended, as evaluated by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 23, 1990.

Hon. DANIEL K. INOUYE,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2203, the Zuni Claims Settlement Act of 1990, as ordered reported by the Senate Select Committee on Indian Affairs, May 14, 1990. Assuming appropriation of the authorized amounts, CBO estimates that enactment of this bill would result in federal outlays of $25 million in fiscal year 1991 for a tribal trust fund; in addition, the bill would result in additional spending for claims and judgments of between $30 million and $100 million for compensation to the tribe for land previously taken by the federal government.

S. 2203 would authorize the appropriation of $25 million for a trust fund for the Zuni Indian Tribe, as settlement for certain claims of the Zuni against the United States government. Up to $8 million could be used for the purchase of land, the creation of a resource development plan and payment of court costs for litigation of these claims. Interest on the remaining $17 million would be used to implement the resources management plan. Assuming appropriation of the full amounts authorized, CBO estimates that this would result in federal outlays of $25 million in 1991.

Section 8 of S. 2203 would retroactively recognize the Zuni Tribe's ownership of 15 million acres of land that was taken from the tribe by the federal government between 1872 and 1939. The U.S. Court of Claims has already determined that the Zuni are entitled to compensation for the value of these lands at the time they were taken. Enactment of this provision, which would retroactively recognize Zuni title to the land, would make it possible for the tribe to receive interest payments in addition to the original value of the land.

Litigation to determine the value of the Zuni land is currently underway, and CBO cannot predict the content or timing of the final court decision. Based on similar previous decisions, it is likely that the court will determine an average land value at the time of taking between $0.50 per acre and $1.50 per acre. This would result in an award of between $7.5 million and $22.5 million. In cases such as this one, where title to the land is recognized, the judicial precedent has been to award simple interest on the original value of the land—typically at a rate of around 4 percent. Assuming that a decision is reached within the next five years, interest on these amounts would be between $30 million and $100 million, depending on the court's valuation of the land.

Therefore, in the year of the decision, Section 8 would result in additional payments by the federal government of between $30 million and $100 million. Since these payments would result from a court decision, they would be paid directly from the claims and judgments account in the Treasury. No appropriations action would be required.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Marta Morgan, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believe that S. 2203, as amended, will have minimal regulatory or paperwork impact.

EXECUTIVE COMMUNICATIONS

The Committee received the following testimony from the U.S. Department of the Interior and the U.S. Department of Justice giving the Administration's views on S. 2203:

STATEMENT OF MYLES E. FLINT, DEPUTY ASSISTANT ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Mr. Chairman and Members of the Committee; on behalf of the Department of Justice, I am pleased to have this opportunity to present our views on S. 2203, a bill to provide for a settlement fund for restoration of certain lands on the Zuni Indian Reservation. The Justice Department opposes passage of this bill for the same reason that we opposed passage of an almost identical bill, H.R. 4750, in 1988. I would like to focus my comments today on Section 5 of the bill, the primary source of our objection.

Section 5(a) of S. 2203 provides for the extinguishment of the Zunis' claims in civil actions number 327-81L and 224-84L, which are consolidated under the title *Zuni Tribe of New Mexico* v. *United States*, and are currently before the United States Claims Court. Section 5(b) provides that settlement is made without a finding of liability on the part of the United States. Section 5(d) provides that funds appropriated under the bill may not offset any recovery in Docket 161-79L, now pending in the Claims Court.

Since these cases are currently in litigation, I am limited in what I can say concerning the details of the Government's substantive position. I can say, however, that to the extent that the funds appropriated under S. 2203 are intended as a legislative compromise of the claims raised in the litigation, the Administration opposes the legislation.

At the current stage of the litigation, which is nearing trial, we believe even more strongly than we did at the time of our prior testimony that such compensation is legally unwarranted. Further, this bill would disrupt an orderly process already well underway, and would be unfair to the other Indian Tribes who have had to litigate, and to prevail—prove by a preponderance of the evidence—similar claims against the Government.

Case No. 327-81L was filed in 1981 pursuant to a special jurisdictional act passed for the Zuni Tribe in 1978. At that point, the Zuni Tribe had missed the statutory deadline for filing pre-1946 claims against the Government, and had sought special relief so that it could have its "day in court." Although the prior Administration specifically opposed making a special exception for the Zuni Tribe in 1978, the legislation did pass, granting the Zuni Tribe an opportunity to present in court its pre-1946 land claims against the United States. Now, after gaining access to the courts to have their claims determined according to a rule of law, the Tribe seeks to cut short the litigative process and obtain compensation without proving any legal entitlement to it.

The complaint in 327-81L, which was amended in 1984, alleges that, prior to 1946, the United States caused irreparable damage to the Zuni Reservation or allowed others to cause such damage. The complaint also alleges that the United States appropriated natural resources from the Reservation for its own use. In its pleadings, the United States has denied that it was responsible for any damage to the Reservation or that it appropriated Reservation resources for its own use.

The complaint in No. 224-84L was filed in 1984 pursuant to 28 U.S.C. §§ 1491 and 1505. The allegations of this complaint are similar to those raised in No. 327-81L, but pertain only to the period beginning in 1978. As with the allegations raised in 327-81L, the United States in its pleadings denied responsibility for any damage. The complaint also sought damages in connection with 1978 legislation authorizing the acquisition of certain lands in New Mexico to be held in trust for the Zuni Tribe. Acquisition of these lands was completed in 1985.

Considerable progress has been made on these cases in the Claims Court. Because the cases involve complex and technical issues, the Court asked both the Tribe and the United States to prepare expert reports for use at trial. The Zuni Tribe and Government have now prepared and exchanged original expert reports, as well as rebuttal reports, and are scheduled to submit surrebuttal reports late this summer. Following submission of the surrebuttal reports, and possibly a small amount of additional discovery, the parties will be ready to begin preparation for trial. In sum, the vast majority of trial foundation has been laid, with trial likely in the relatively near future.

Although the Department of Justice actively supports legislative settlement of litigation in appropriate circumstances, we do not think that those circumstances exist here. The Government's experts have generally concluded that the United States is not responsible for the erosion on the Zuni Reservation. For example, our experts have found that the erosion complained of is a naturally occurring type common in the Southwest, and is not due to acts or omissions of the United States. Further, much of the erosion on the Zuni Reservation appears to have occurred prior to the time of the Government involvement in Zuni affairs.

Accordingly, to the extent that S. 2203 is premised on the assumption that the Government is at fault, we believe it is unjustified. In these times of budget restraint, the American taxpayer should not be asked to spend $25,000,000 to settle litigation in the absence of such justification. And, even if the Government were to be found liable for some damage on the reservation, we know of no basis for fixing the Government's liabiliity at $25,000,000.

I also wish to address section 5(d) of S. 2203, which provides that the sum appropriated under this legislation could not offset any recovery under Docket 161-79L, also entitled *Zuni Tribe of New Mexico* v. *United States.* This case, filed pursuant to the 1978 special jurisdictional act, involves the Tribe's claim against the United States forthe taking of aboriginal lands. The special jurisdictional act did not make an exception for the Zuni Tribe from the provisons of 25 U.S.C. § 475a, which require that any Claims Court recovery by an Indian tribe or band must be offset by certain gratuitous expenditures by the United States. Since we believe the United States is not liable for the damage alleged in the mismanagement claims (327-81L and 224-84L), and since the legislation provides for payments unrelated to the litigation, we believe that the proposed $25 million payment to the Tribe would be a gratuity to the Tibe and should be available for consideration by the court under the developed law as an offset to any recovery in Docket 161-79L.

Finally, it is no doubt clear from what I've said in my testimony to this point that we also disagree with several of the congressional findings included in section 2 of S. 2203.

Sections 2(2) and 2(4) involve findings of extensive damages to the Zuni Reservation. As I have stated, we have in the past and continue now to deny such conclusions. We believe the evidentiary record we are presently developing for presentation to the Claims Court will refute such allegations.

We also object to the findings set forth in Section 2(2), 2(3), 2(4), and arguably, 2(5) of S. 2203. These sections involve the determination of factual issues that Congress has specifically conferred jurisdiction upon the United States Claims Court to resolve. The issues are complex and have

required and will require extensive expert analysis to develop a complete record upon which a reasoned determination can be reached. Neither Congress nor the court has yet before it all of that record.

I also note that section 2(3), in addition to being incorrect, is not consistent with section 5(b). As recognized by implication in section 5(d), any sums paid pursuant to this bill would be gratuitous absent a determination of liability on the part of the United States. Section 5(b) recognizes that this legislation would authorized payment to the Zuni without a finding of liability. Section 2(3) inconsistently makes such a finding of partial responsibility on the part of the United States for the alleged damages.

Sections 3 and 4 of the bill provide for establishment and use of the Development Trust Fund. These provisions involve program or policy considerations, and we therefore defer to the Department of the Interior on them. This concludes my prepared testimony for today's hearing. I would be happy to answer any questions the Committee might have.

STATEMENT OF PATRICK HAYES, DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS (TRUST AND ECONOMIC DEVELOPMENT), DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, I am pleased to present the view of the Department of the Interior on S. 2203, the "Zuni Claims Settlement Act of 1990".

We oppose enactment of S. 2203 for the same reasons that we opposed enactment of H.R. 4750 in testimony before the House Committee on Interior and Insular Affairs in July of 1988. The tow bills are identical in substance except that in S. 2203, the requested appropriation to fund the settlement trust fund has been raised from $20 million to $25 million.

S. 2203 provides for the cash settlement of two Zuni tribal claims, docket numbers 327-81L and 224-84L, now pending before the United States Claim Court. Since these claims are currently in litigation, we defer to the Department of Justice for a discussion of their merits. However, we strongly believe that it is inappropriate to earmark limited Federal resources to solve the problems of one Indian tribe at the expense of other tribes. Existing programs are available to address the needs of the Zuni Tribe. We again strongly encourage the Tribe to pursue funding for its natural resource rehabilitation program through these existing programs.

Section 1 Of S. 2203 cites the title of the bill. Section 2 cites congressional findings which include allegations that extensive damage to reservation lands was, and is being caused by, in part, acts and omissions of the United States in breach of its trust responsibilities. It recommends that immediated legislation is needed to remedy this situation.

Section 3 directs the Secretary and the Tribe to jointly formulate a resource development plan for the Zuni Indian Reservation. The plan is to identify and acquire lands necessary for development of the resources on the Zuni Indian Reservation.

Section 4 creates a Zuni Indian Resource Development Trust Fund, making the Secretary of the Interior trustee of the Trust Fund, and authorizing up to $8 million to be used to (1) pay up to $600,000 per year for two years for the formulation of the Zuni resource development plan described in section 3; (2) pay any loans, debts or expenses incurred by the Tribe for the purchase of land, or for obtaining or defending rights of access to the "Zuni Heaven" area described in Public Law 98-408; (3) pay all costs, attorney fees incurred by the Tribe in the prosecution of the docketed civil actions mentioned above; and (4) pay all invoices submitted to the Zumi Indian Tribe for which vouchers have been received prior to September 30, 1990, and approved by the Secretary of the Interior. No funds would be allowed to be used to make per capita payments to the members of the Zuni Tribe.

Section 5 provides that upon deposit into Trust Fund, that all tribal claims raised in docket numbers 327-81L and 224-84L would be considered extinguished. However, no sums paid in settlement of these claims would effect the tribal claims included in docket number 161-79L before the United States Claim Court.

Section 6 authorizes $25 million to be appropriated for the Trust Fund.

We again defer any discussion of the merits of the litigation to the Department of Justice, but would like to discuss the legislation from a programmatic standpoint as we did in testimony given last year on H.R. 4750.

It is inappropriate to focus limited Federal resources designed to serve all Federally recognized Indian tribes to solve the problems of one Indian tribe. We believe that such an outlay would be unfair to other tribes whose budgets would by necessity have to be reduced.

The Bureau of Indian Affairs has existing natural resource programs on the Zuni Indian Reservation such as range management, soil and moisture conservation, forestry, irrigation, and fish, wildlife and parks, which provide for natural resource rehabilitation through the normal Indian Priority System (IPS) budgetary process. We believe the Zuni Tribe should pursue funding for its natural resource rehabilitation program through the existing budget system which already permits the Tribe to evaluate and set its own priorities as envisioned in S. 2203.

In 1968, the Zuni Tribe and the Bureau of Indian Affairs developed a Prototype Planning Model for Reservation Development and in 1970 implemented the Zuni comprehensive Development Plan. In fiscal years 1971 through 1975, funding was provided for erosion control, stockwater development, pinon-juniper and sagebrush control, and for re-

seeding in the Nutria, Northwest Purchase Jacks Lake, Ojo Caliente and Pia Mesa areas.

Additional funding for natural resource development projects are available from the Department of Agriculture and Health and Human Services, and other Federal and State agencies. In 1975, the Project under Public Law 83-566 (16 U.S.C. 1001 et seq.) to the Department of Agriculture, Soil Conservation Service. The project was approved by Congress on June 15, 1976, at an original estimated cost of $3,645,000. Today, the project, No. NM-2029 is scheduled to begin construction in fiscal year 1996 at an estimated cost of $11,700,000.

As we stated in earlier testimony, we would recommend, should the Tribe desire to proceed in securing funding through the existing funding processes, that they prioritize their request as follows:

(1) update the 1971-1975 Zuni Comprehensive Development Plan through a watershed resource investigation to inventory and identify the current condition of the renewable natural resources and the methodology for developing and sustaining these resources,

(2) complete the Indian Integrated Resources Information Program data base (GIS),

(3) initiate an Integrated Resource Management planning effort to identify areas for rehabilitation and cost estimates,

(4) design a rehabilitation plan, if the results of priority 3 above indicate that such rehabilitation is required.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that there are no changes in existing law made by S. 2203.

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